



UNITED STATES SENATE
**REPUBLICAN
POLICY COMMITTEE**

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Welcome News

Fifth Circuit: Second Amendment Protects an Individual Right to Own and Carry Guns

Media reports indicate gun ownership is on the rise in the wake of the September 11 terrorist attacks. As government resources are stretched to deal with actual and potential acts of terrorism, many peaceful Americans realize there may arise circumstances where they will need to be able to protect themselves. It is timely and welcome news, then, that the Fifth Circuit Court of Appeals yesterday affirmed that the Second Amendment to the U.S. Constitution protects the right of each American to own and carry a firearm for personal protection. Some excerpts from the opinion:

“All of the evidence indicates that the Second Amendment, like other parts of the Bill of Rights, applies to and protects individual Americans.”

“We conclude that the phrase ‘bear arms’ refers generally to the carrying or wearing of arms. . . [The] argument that ‘bear arms’ was exclusively, or even usually, used to only refer to the carrying or wearing of arms by a soldier or militiaman must be rejected.”

“We find that the history of the Second Amendment reinforces the plain meaning of its text, namely that it protects individual Americans in their right to keep and bear arms whether or not they are a member of a select militia or performing active military service or training.”

The opinion (<http://www.ca5.uscourts.gov/opinions/pub/99/99-10331-cr0.htm>) debunks many myths forwarded by opponents of the right to self-defense. These include myths surrounding the 1939 Supreme Court case *U.S. v. Miller*, which is often cited – erroneously – in attacks on the plain meaning of the Second Amendment. While the court’s affirmation will not overturn any laws limiting Second Amendment rights, it may serve as a basis for challenging such laws.

It is because Americans cherish peace, human life, and human rights that we protect every individual’s right to self-defense. The Fifth Circuit’s opinion reminds us why America is worth fighting for.